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Attorney Docket No.: PD-970636A
Customer No.: 29158

AMENDMENTS TO THE CLAIMS:

Please cancel Claims 2 through 16 and 40 through 46 without prejudice to or disclaimer of the subject matter recited therein.

Please amend Claims 23, 24, 27, 33, 34 and 54 and add Claims 59 through 61 as follows:

1-16. (Cancelled)

17. (Previously Presented) A gateway for use in a system wherein a first apparatus, said gateway, and a second apparatus are in a TCP/IP network, wherein the source apparatus, said gateway, and the second apparatus have different IP addresses, said gateway comprising:

a packet receiving unit that is configured to receive a packet addressed at the IP level from the first apparatus to the second apparatus; and

a service plan determining unit that is configured to determine a level of service subscribed to by a user of the first apparatus;

a throttling unit that is configured to throttle the user of the first apparatus by (a) adjusting the transport level window size of the packet in accordance with (1) the level of service subscribed to by the user of the first apparatus and (2) bandwidth usage associated with the user of the first apparatus, and (b) sending the so adjusted packet to the second apparatus,

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wherein the packet received by said packet receiving unit has, as its source IP address, the IP address of the first apparatus, and has, as its destination IP address, the IP address of the second apparatus.

18. (Previously Presented) A gateway according to Claim 17, wherein the bandwidth usage is measured as an amount of data per unit of time.

19 - 20. (Cancelled)

21. (Previously Presented) A gateway according to Claim 17, wherein the bandwidth usage is expressed as an average throughput.

22. (Previously Presented) A gateway according to Claim 17, wherein the bandwidth usage is determined using a leaky bucket analysis.

23. (Currently Amended) A gateway for use in a system wherein a source first apparatus, said gateway, and a second apparatus are in a TCP/IP network, each of the first apparatus, said gateway, and the second apparatus having different IP addresses, said gateway comprising:

a throttling unit that is configured to (a) determine the number of TCP connections that are open and (b) throttle a user of the first apparatus in accordance

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with (1) the determination of the number of TCP connections that are open and (2) a level of service subscribed to by the user of the first apparatus.

24. (Currently Amended) A gateway for use in a system wherein a first apparatus, said gateway, and a second apparatus are in a TCP/IP network, each of the first apparatus, said gateway, and the second apparatus having different IP addresses, said gateway comprising:

a throttling unit that is configured to throttle a user of the first apparatus in accordance with (1) a leaky bucket analysis of the user's throughput and (2) a level of service subscribed to by the user,

wherein said throttling unit intercepts a packet on a TCP/IP connection between the first apparatus and the second apparatus; and

wherein ~~one of the following two conditions is satisfied: (1) said throttling unit effects the throttling by discarding the packet and (2) said throttling unit effects throttling by modifying a field in the packet.~~

25. (Cancelled)

26. (Previously Presented) An apparatus according to Claim 17, wherein said throttling unit compares bandwidth usage to a threshold.

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27. (Currently Amended) A method for use in a system wherein a first apparatus, a gateway, and a second apparatus are in a TCP/IP network, each of the first apparatus, the gateway, and the second apparatus having different IP addresses, said method comprising:

intercepting by the gateway of a packet addressed at the IP level from the first apparatus to the second apparatus; and

determining a level of service subscribed to by a user of the first apparatus;

determining whether or not to throttle a user of the first apparatus in accordance with (a) the level of service and (b) bandwidth usage by the user;

throttling by the gateway of the user of the first apparatus in accordance with a determination in said determining step that the user of the first apparatus should be throttled, said throttling comprising (1) adjusting, by the gateway, of the transport level window size of the packet received in said intercepting receiving step and (2) sending the so adjusted packet to the second apparatus,

wherein the packet received in said intercepting receiving step has, as its source IP address, the IP address of the first apparatus, and has, as its destination IP address, the IP address of the second apparatus.

28. (Previously Presented) A method according to Claim 27, wherein the bandwidth usage is measured as an amount of data per unit of time.

29 - 30. (Cancelled)

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31. (Previously Presented) A method according to Claim 27, wherein the bandwidth usage is expressed as an average throughput.

32. (Previously Presented) A method according to Claim 27, wherein the bandwidth usage is determined using a leaky bucket analysis.

33. (Currently Amended) A method comprising:
determining a number of TCP connections that are open; and
throttling, by a gateway for use in a system wherein a first apparatus, the gateway, and a second apparatus are in a TCP/IP network, ~~of~~ of a user of the first apparatus, in accordance with (1) the determination of the number of TCP connections that are open and (2) a level of service subscribed to by the user.

34. (Currently Amended) A method comprising:
throttling by a gateway for use in a system wherein a first apparatus, the gateway, and a second apparatus are in a TCP/IP network, ~~of~~ of a user ~~use~~ of the first apparatus, in accordance with (1) a leaky bucket analysis of the user's throughput and (2) a level of service subscribed to by the user,
wherein the first apparatus, the gateway, and the second apparatus have different IP addresses, and
wherein the gateway intercepts a packet on a TCP/IP connection between the first apparatus and the second apparatus and wherein ~~one of the following two~~

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~~conditions are satisfied: (1) said throttling comprises discarding of the packet and (2) said throttling comprises modifying a field in the packet.~~

35. (Cancelled)

36. (Previously Presented) A method according to Claim 34, wherein said throttling step comprises modifying the transport level window size field of the packet in response to bandwidth usage exceeding a threshold.

37. (Previously Presented) A gateway according to Claim 18, wherein the transport level window size is the TCP window size field of the packet.

38 - 46. (Cancelled)

47. (Previously Presented) A gateway for use in a system wherein a first apparatus, said gateway, and a second apparatus are in a TCP/IP network, each of the first apparatus, said gateway, and the second apparatus having different IP addresses, said gateway comprising:

packet receiving means for receiving a packet addressed at the IP level from the first apparatus to the second apparatus;

service plan determining means for determining a level of service subscribed to by a user of the first apparatus; and

throttling means for throttling a user of the first apparatus by adjusting the transport level window size of the packet received by said packet receiving means in accordance with (1) the level of service subscribed to by the user of the first apparatus and (2) bandwidth usage associated with the user of the first apparatus,

wherein the packet received by said packet receiving means of said gateway has, as its source IP address, the IP address of the first apparatus, and has, as its destination IP address, the IP address of the second apparatus.

48. (Previously Presented) A gateway according to Claim 47, wherein the bandwidth usage is measured as an amount of data per unit of time.

49 - 50. (Cancelled)

51. (Previously Presented) A gateway according to Claim 47, wherein the bandwidth usage is expressed as an average throughput.

52. (Previously Presented) A gateway according to Claim 47, wherein the bandwidth usage is determined using a leaky bucket analysis.

53. (Previously Presented) A gateway for use in a system wherein a first apparatus, said gateway, and a second apparatus are in a TCP/IP network, each of the first apparatus, said gateway, and the second apparatus having a different IP address, said gateway comprising:

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throttling means for determining a number of TCP connections that are open and for throttling a user of the first apparatus, in accordance with (1) the determination of the number of TCP connections that are open and (2) a level of service subscribed to by the user.

54. (Currently Amended) A gateway for use in a system wherein a first apparatus, said gateway, and a second apparatus are in a TCP/IP network, said gateway comprising:

throttling means for throttling a user of the first apparatus, in accordance with (1) a leaky bucket analysis of a user's throughput and (2) a level of service subscribed to by the user,

wherein said throttling means intercepts a packet on a TCP/IP connection between the first apparatus and the second apparatus, and

wherein ~~one of the following conditions is satisfied:~~ (1) said throttling means effects the throttling by discarding the packet and (2) ~~said throttling means effects the throttling by modifying the packet.~~

55. (Cancelled)

56. (Previously Presented) An apparatus according to Claim 53, wherein said throttling means compares bandwidth usage to a threshold.

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57. (Previously Presented) A gateway according to Claim 48, wherein said throttling means modifies the TCP window size field of the packet.

58. (Cancelled)

59. (New) A gateway for use in a system wherein a first apparatus, said gateway, and a second apparatus are in a TCP/IP network, each of the first apparatus, said gateway, and the second apparatus having different IP addresses, said gateway comprising:

a determining unit that is configured to determine which of a plurality of service plans a user of the first apparatus subscribes to; and

a throttling unit that is configured to throttle the user in accordance with (1) a leaky bucket analysis of the user's throughput and (2) the service plan subscribed to by the user as determined by said determining unit,

wherein said throttling unit intercepts a packet on a TCP/IP connection between the first apparatus and the second apparatus; and

wherein said throttling unit effects throttling by modifying a field in the packet.

60. (New) A method comprising:

determining by a gateway, for use in a system wherein a first apparatus, the gateway, and a second apparatus are in a TCP/IP network, which of a plurality of service plans a user of the first apparatus subscribes to;

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throttling by the gateway of a user of the first apparatus, in accordance with (1) a leaky bucket analysis of the user's throughput and (2) the service plan subscribed to by the user as determined by said determining step,

wherein the first apparatus, the gateway, and the second apparatus have different IP addresses,

wherein the gateway intercepts a packet on a TCP/IP connection between the first apparatus and the second apparatus, and

wherein said throttling comprises modifying a field in the packet.

61. (New) A gateway for use in a system wherein a first apparatus, said gateway, and a second apparatus are in a TCP/IP network, said gateway comprising:

determining means for determining which of a plurality of service plans a user of the first apparatus subscribes to; and

throttling means for throttling the user, in accordance with (1) a leaky bucket analysis of a user's throughput and (2) the service plan subscribed to by the user as determined by said determining means,

wherein said throttling means intercepts a packet on a TCP/IP connection between the first apparatus and the second apparatus, and

wherein said throttling means effects the throttling by modifying the packet.